UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,152	06/27/2003	Wesley G. Miller	MSFT 5064 (MS #302667.1)	7887

321　　7590　　06/01/2007		EXAMINER
SENNIGER POWERS		FIELDS, COURTNEY D
ONE METROPOLITAN SQUARE		
16TH FLOOR	ART UNIT	PAPER NUMBER
ST LOUIS, MO 63102	2137	

NOTIFICATION DATE	DELIVERY MODE
06/01/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 March 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3 and 5-49* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-49* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/20/2007, 4/20/2007</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-3 and 6-48 have been amended.

2.   Claim 4 has been cancelled.

3.   Claim 49 have been added.

4.   Claims 1-49 are pending.

Information Disclosure Statement

5.   The Information Disclosure Statements respectfully submitted on 20 February

2007 and 20 April 2007 have been considered by the Examiner.

Response to Arguments

6.   Applicant's arguments with respect to claims 1-3 and 5-49 have been considered

but are moot in view of the new ground(s) of rejection, Girard (US Patent No. 7,093,124)

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8.   Claims 1-3 and 5-49 are rejected under 35 U.S.C. 102(e) as being anticipated by

Girard (US Patent No. 7,093,124).

Referring to the rejection of claims 1,6,13,18, 26, 34, 38, and 41, Girard discloses

a method of transferring via a network boot files from a server to a PKE client having a

pre-OS environment including PXE code, comprising:

installing a PXE client certificate of authenticity in the PXE client (See Column 1,

lines 36-42)

requesting by the PXE client using the PXE code via the network that the server

transfer the boot files for execution by the PXE client to at least one or create, recreate,

modify, expand and enhance an operating system for the PXE client (See Column 7,

lines 20-28)

sending by the PXE client via the network the installed PXE client certificate of

authenticity (See Column 7, lines 28-33)

authenticating by the server of the PXE client by the received PXE client

certificate of authenticity (See Column 7, lines 34-38)

sending by the server via the network a server certificate of authenticity to the

PXE client in response to authenticating by the server of the PXE client (See Column 7,

lines 39-48)

authenticating by the PXE client of the server by the received server certificate of

authenticity (See Column 7, lines 41-48)

requesting by the authenticated PXE client via the network that the authenticated

server transfer the boot files to the authenticated PXE client (See Column 7, lines 49-

53)

transferring the boot files from the authenticated server to the authenticated client

in response to the requesting by the authenticated PXE client (See Column 7, lines 54-

62)

authenticating by the authenticated PXE client of the transferred boot files (See

Column 7, lines 63-67)

and executing by the authenticated PXE client of the authenticated boot files

thereby creating, recreating, modifying, expanding, or enhancing an operating system

for the PXE client (See Column 8, lines 56-67)

Referring to the rejection of claims 2,9,17,22,24, and 31, Girard discloses the

claimed limitation wherein PXE clients that have an invalid or revoked certificate are not

authenticated or answered by the server (See Column 7, lines 44-45)

Referring to the rejection of claims 3,10,27, and 35, Girard discloses the claimed

limitation wherein servers that have an invalid or revoked certificate are not

acknowledged by the PXE client (See Column 7, lines 44-45)

Referring to the rejection of claims 11,15,20,29,33,37, and 40, Girard discloses

the claimed limitation wherein boot files received by the client that are incorrectly signed

are not executed by the client (See Column 7, lines 44-45)

Referring to the rejection of claims 5,12,16,21,25,28,36, and 44, Girard discloses the claimed limitation wherein the transferred boot files include a signature and wherein the PXE client verifies the signature (See 7, lines 45-48)

Referring to the rejection of claims 7 and 42, Girard discloses the claimed limitation wherein authenticating by the authenticated PXE client of the transferred boot files (See 7, lines 35-48)

Referring to the rejection of claims 8 and 43, Girard discloses the claimed limitation wherein executing by the authenticated PXE client of the authenticated boot files (See Column 7, lines 63-67)

Referring to the rejection of claim 19, Girard discloses the claimed limitation wherein authenticating by the authenticated PXE client of the transferred boot files and executing by the authenticated PXE client of the authenticated boot files (See Column 7, lines 10-19)

Referring to the rejection of claims 23 and 30, Girard discloses a method of transferring via a network boot files from a server to a PXE client having a pre-OS environment, comprising:

receiving by the server a request from the PXE client using the PXE code via the network that the server transfer the boot files to the PXE client (See Column 7, lines 10-19)

receiving by the server using the PXE code via the network a previously installed PXE client certificate of authenticity from the PXE client (See Column 7, lines 20-28)

authenticating by the server of the PXE client by the received PXE client

certificate of authenticity (See Column 7, lines 41-48)

and transferring the boot files from the server to the authenticated PXE client

(See Column 7, lines 54-62)

Referring to the rejection of claim 49, Girard discloses the claimed limitation

wherein the PXE code of the PXE client comprises: The Dynamic Host Configuration

(DHCP) for allowing the PXE client to receive an IP address to gain access to the server

via the network, a set of application program interfaces (API) for automating the booting

of the operating system and other configuration steps on the PXE client, and a standard

method of initializing the PXE code in the PXE ROM chip (See Column 7, lines 20-33)

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Courtney D. Fields whose telephone number is 571-

272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off
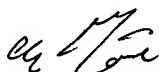
every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cdf
May 25, 2007

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER